

and is therefore not subject to OMB review.

List of Subjects in 40 CFR Part 82

Environmental protection, Air pollution control.

Dated: April 24, 1995.

Carol M. Browner,
Administrator.

40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation of part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

2. Section 82.174 is amended by adding paragraph (e) to read as follows:

§ 82.174 Prohibitions.

* * * * *

(e) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart G is stayed from May 2, 1995 to until the effective date of USEPA's final action following reconsideration of the SNAP rule only as applied to use of substitutes for export.

[FR Doc. 95–10624 Filed 5–1–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5200–3]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) which is appendix B to 40 CFR part 300 constitutes this list.

In this document, the Environmental Protection Agency (EPA) is withdrawing its proposal to list the Texas Eastern Kosciusko Compressor Station site on the NPL. Because of the unique circumstances surrounding this site, NPL listing has been deemed unnecessary. The rationale supporting this action are explained further in the

Supplementary Information section below.

DATES: This withdrawal is effective May 2, 1995.

FOR FURTHER INFORMATION CONTACT: June Wiaz, Hazardous Site Evaluation Division, (703) 603–8864, Office of Emergency and Remedial Response (5204G), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, 20460, or the Superfund Hotline, phone (800) 424–9346, or (703) 412–9810 in the Washington DC, metropolitan area.

SUPPLEMENTARY INFORMATION: In this document, EPA is withdrawing its proposal to list Texas Eastern's Kosciusko, Mississippi, Compressor Station Site on the National Priorities List (NPL). EPA proposed to add the Kosciusko site to the NPL on August 23, 1994 (59 FR 43314).

Texas Eastern's comments on the proposal and other information submitted to the Agency have led EPA to withdraw it. EPA's reasons for withdrawal are multi-faceted. First, this is a site unique among those on the NPL or proposed for NPL listing. The Kosciusko site is just one of 89 along the company's pipeline (which extends from the Gulf of Mexico to New York). Second, Texas Eastern currently is addressing all of the affected sites under a federally enforceable Consent Decree negotiated with the United States pursuant to the Toxic Substances Control Act (TSCA). Texas Eastern is expected to spend approximately \$750 million over the next 10 years complying with the Consent Decree.

Under the Consent Decree, dated June 1988 and amended March 1995, there is an agreed-upon schedule of characterization for the 89 sites. Texas Eastern maintains that it was their expectation, when they entered into the consent agreement, that it would shield them from inclusion on the NPL and action under CERCLA. The Agency accepts that Texas Eastern has acted in good faith to carry out the provisions of that agreement.

Texas Eastern has nominated the Kosciusko site as one of 10 of its pipeline sites scheduled for remediation in 1996. This represents an accelerated schedule for the Kosciusko site which will be fully characterized during 1995. EPA and Texas Eastern have negotiated modifications to the Consent Decree requiring that the company address all significant off-site contamination attributable to the Kosciusko Compressor Station. Texas Eastern's efforts at characterizing the site include a five-year fish study. The study which has been going on for more than two

years, will help determine the nature and extent of the PCB contamination. This characterization of downstream effects will be useful in remedy selection.

Allowing the Consent Decree process to govern cleanup of the Kosciusko site stems from a desire to avoid a fragmented approach to Texas Eastern's 89 sites. The alternative—trying to address all sites under various Federal statutes with different requirements and cleanup levels—would result in inconsistent cleanups and a much slower process. In negotiating the Consent Decree, the United States and Texas Eastern sought to develop an orderly process by which response work would proceed. Listing the site on the NPL arguably violates this process.

For these reasons EPA, at this time, elects to withdraw its proposal to list the Kosciusko compressor station site on the NPL. However, should conditions change (i.e. insufficient progress toward cleanup) such that placing the site on the NPL would effect a more thorough and timely cleanup, EPA reserves the right to re-propose the site.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Environmental protection, Hazardous materials, Hazardous substances, Incorporation by reference, Intergovernmental relations, Natural resources, Occupational safety and health, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: April 24, 1995.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 95–10751 Filed 5–1–95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 950421111–5111–01; I.D. 022895B]

Summer Flounder Fishery; Dealer Reporting Requirements

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to amend the regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP), to reduce reporting requirements for federally permitted dealers, to make it easier for them to comply with remaining reporting requirements, and to improve monitoring of the commercial summer flounder quota.

DATES: Comments must be received on or before June 1, 1995.

ADDRESSES: Comments on the proposed rule or on the proposed Interactive Voice Response system should be sent to Jon Rittgers, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Summer Flounder, Dealer Reporting." Comments on the proposed Interactive Voice Response system should also be sent to the Office of Information and Regulatory Affairs, Attention: NOAA Desk Officer, Office of Management and Budget, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Hannah Goodale, 508-281-9101, or Regina Spallone, 508-281-9221.

SUPPLEMENTARY INFORMATION: The FMP was developed jointly by the Atlantic States Marine Fisheries Commission and the Mid-Atlantic Fishery Management Council in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the U.S.-Canadian border. Implementing regulations for the FMP are found at 50 CFR part 625.

The summer flounder fishery is managed under a quota system. The quota is divided among the coastal states based upon set percentages. Landings must be monitored weekly in order to determine when a state's quota has been reached.

Since 1993, federally permitted summer flounder dealers have been required to report weekly all fish purchases. While several of the species of fish purchased by these dealers are under quota management systems (summer flounder, squid, mackerel, butterfish), only the summer flounder quota requires weekly monitoring at this time. The quotas for the remaining species purchased by these dealers can be adequately monitored through monthly reports. NMFS believes that reporting purchases of all species on a weekly basis is unnecessary and burdensome. Therefore, NMFS proposes

to revise the weekly reporting requirement to make it pertain to summer flounder purchases only. The comprehensive reporting of all fish purchases would be required monthly rather than weekly. This proposed change would reduce the burden associated with the reporting requirement, and, as a secondary benefit, would allow more accurate price information to be collected, since such information is often unavailable to dealers on a weekly basis.

NMFS further proposes to require that the weekly summer flounder purchase report be made via an Interactive Voice Response (IVR) system, rather than by a written report. Dealers would be provided with a toll-free number to call to report weekly purchases of summer flounder using either a touch-tone system or voice mail. An IVR system would make it easier for dealers to comply with the weekly reporting requirement and would be a more efficient method of collecting the data required for weekly monitoring of the commercial summer flounder quota.

NMFS proposes to require dealers to report the following information weekly through the IVR system: Dealer permit number, pounds of summer flounder purchased, week in which summer flounder was purchased, and state(s) of landing for summer flounder purchased. If no summer flounder were purchased during the week, the dealer would be required to make a report so stating through the IVR system. This proposed requirement is less burdensome than the current weekly report. It confines the requirement to summer flounder, and, rather than requiring the purchases to be reported by vessel, it allows dealers to report their weekly summer flounder purchases by state.

Dealers would continue to report the following information monthly on forms supplied by or approved by the Director, Northeast Region, NMFS (Regional Director): Dealer name and mailing address; dealer number; name and permit number, or name and hull number (U.S. Coast Guard Documentation Number or state registration number, as appropriate) of vessels from which fish are landed or received; dates of purchases; pounds by species (by market category if applicable); price by species (by market category if applicable) or total value by species (by market category if applicable); port landed; signature of dealer or other authorized individual; and any other information deemed necessary by the Regional Director. If no fish were purchased during the month, the dealer would be required to make a report so stating on the required form.

Dealers would still have the option of submitting the required information electronically if authorized in writing by the Regional Director.

NMFS also proposes to modify three requirements pertaining to federally permitted dealers. Dealers are currently required to report the Federal permit number of the vessels from which fish are purchased. However, many of the species purchased by dealers are not subject to Federal management and are caught by vessels that hold no Federal permits. This requirement would be modified to indicate that dealers must report either the Federal permit number or the hull number (U.S. Coast Guard Documentation Number or state registration number, as appropriate) of the vessels from which fish are purchased.

The existing monthly dealer report form specifies market categories for many species. NMFS proposes to modify the regulations to clarify that dealers must report species purchased by market category, when applicable.

Dealers are currently required to report price per pound for species purchased. Many dealers have said that it is easier to report the total value of a species purchase rather than the price per pound. NMFS proposes to amend the regulations to make either manner of reporting acceptable.

NMFS also proposes to add a paragraph to the regulations concerning the collection of biological data (fish lengths) and samples (scales and/or otoliths for ageing), which are necessary to characterize the composition of landed catch. While most dealers have historically allowed access to their premises for the collection of these data, NMFS proposes to revise the regulations to make it explicit that federally permitted dealers must allow such access.

In addition, to protect against the unauthorized submission of reports, NMFS proposes to require that all monthly report forms be signed by the dealer or other authorized individual.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

This rule is subject to the Paperwork Reduction Act and clarifies or modifies requirements previously approved under OMB Control #0648-0229 (2 minutes per response). The requirement to use an Interactive Voice Response system for weekly reporting has been submitted to OMB for approval. This requirement and the other modifications to existing reporting requirements are expected to slightly reduce or not affect

the burden on respondents. The rule also restates a requirement for mandatory reporting of employment data in the Annual Processed Products Report. This requirement is estimated to take 2 minutes per response and has been approved by OMB under control number 0648-0018. Any comments on the proposed Interactive Voice Response system should be sent to the address specified in ADDRESSES.

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: April 26, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 625 is proposed to be amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 625.2, the definition for "reporting month" is added, in alphabetical order, to read as follows:

§ 625.2 Definitions.

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Reporting month means the calendar month.

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3. Section 625.6 is amended by redesignating paragraphs (a)(2) through (a)(6) as paragraphs (a)(3) through (a)(7); by revising paragraph (a)(1), and newly redesignated paragraphs (a)(3), (a)(6), and (a)(7); and by adding new paragraphs (a)(2) and (a)(8) to read as follows:

§ 625.6 Recordkeeping and reporting requirements.

(a) *Dealers*—(1) *Weekly report.* Dealers must submit the following information, and any other information required by the Regional Director, on a weekly basis to the Regional Director, or an official designee, via an Interactive Voice Response (IVR) system established by the Regional Director: Dealer number, pounds of summer flounder purchased, week in which summer flounder was purchased, and state(s) of landing for summer flounder purchased. Even if no summer flounder are purchased during the week, a report so stating must be submitted through the IVR system.

(2) *Monthly reports.* Dealers must send by mail to the Regional Director, or an official designee, on a monthly basis

on forms supplied by or approved by the Regional Director, a report of all fish purchases. If authorized in writing by the Regional Director, dealers may submit reports electronically or through other media. The following information, and any other information required by the Regional Director, must be provided in the report: Name and mailing address of dealer; dealer number; name and permit number, or name and hull number (U.S. Coast Guard Documentation Number or state registration number, as appropriate) of the vessels from which fish were landed or received; dates of purchases; pounds by species (by market category if applicable); price by species (by market category if applicable) or value by species (by market category if applicable); and port landed. Even if no fish were purchased during the month, a report so stating must be submitted on the required form. All monthly report forms must be signed by the dealer or the dealer's authorized representative.

(3) *Annual report.* All persons required to submit reports under paragraph (a)(1) of this section are required to complete the "Employment Data" section of the Annual Processed Products Reports; completion of other sections on that form is voluntary. Required data are the number of employees handling fishery products by month. Reports for a given calendar year must be submitted to: NMFS Statistics, One Blackburn Drive, Gloucester, MA 01930-2298, and must be postmarked by February 10th of the following year.

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(6) *Submitting reports.* Weekly reports must be made by noon each Tuesday for the previous reporting week. Monthly reports must be made within 10 days after the end of each reporting month. If monthly reports are mailed, such reports will be considered made in a timely manner if postmarked within 10 days after the end of the reporting month. Dealers will be sent, shortly after receipt of a dealer permit, forms and instructions, including a chart identifying reporting weeks, the telephone number and instructions for the IVR system for submission of weekly reports, and the address to which to submit monthly reports. If no fish are purchased during a required reporting period, a report so stating must be submitted.

(7) *At-sea activities.* All federally permitted summer flounder dealers purchasing, receiving, or processing any fish at sea for landing at any port of the United States must submit information identical to that required by paragraphs (a)(1), (2) and (3) of this section and

provide those reports to the Regional Director or designee on the same frequency basis.

(8) *Additional data and sampling.* Dealers are required to allow access to their premises and to make available to an official designee of the Regional Director any fish purchased from vessels for the collection of biological data. Such data include, but are not limited to, length measurements of fish and the collection of age structures such as otoliths or scales.

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[FR Doc. 95-10739 Filed 5-1-95; 8:45 am]

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National Oceanic and Atmospheric Administration

50 CFR Part 640

[Docket No. 950424112-5112-01; I.D. 032095B]

RIN 0648-AF37

Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 4

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement Amendment 4 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic (FMP). Amendment 4 would allow the harvest of spiny lobster year-round and establish a daily bag or possession limit of two spiny lobster per person in the exclusive economic zone (EEZ) off the southern Atlantic states, other than Florida (i.e., EEZ off North Carolina, South Carolina, and Georgia).

DATES: Written comments must be received on or before June 12, 1995.

ADDRESSES: Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 4, which includes a regulatory impact review and an environmental assessment, and the FMP, should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609-2486, FAX 813-225-7015, or to the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, FAX 803-769-4520.